

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION, CENTER FOR  
CONSTITUTIONAL RIGHTS, PHYSICIANS FOR  
HUMAN RIGHTS, VETERANS FOR COMMON SENSE  
AND VETERANS FOR PEACE,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, AND ITS COMPONENTS  
DEPARTMENT OF ARMY, DEPARTMENT OF NAVY,  
DEPARTMENT OF AIR FORCE, DEFENSE  
INTELLIGENCE AGENCY; DEPARTMENT OF  
HOMELAND SECURITY; DEPARTMENT OF JUSTICE,  
AND ITS COMPONENTS CIVIL RIGHTS DIVISION,  
CRIMINAL DIVISION, OFFICE OF INFORMATION  
AND PRIVACY, OFFICE OF INTELLIGENCE, POLICY  
AND REVIEW, FEDERAL BUREAU OF  
INVESTIGATION; DEPARTMENT OF STATE; AND  
CENTRAL INTELLIGENCE AGENCY,

Defendants.

DOCKET NO. 04-CV-4151 (AKH)

Document Electronically Filed

AMERICAN CIVIL LIBERTIES UNION, CENTER FOR  
CONSTITUTIONAL RIGHTS, PHYSICIANS FOR  
HUMAN RIGHTS, VETERANS FOR COMMON SENSE  
AND VETERANS FOR PEACE,

Plaintiffs,

v.

DEPARTMENT OF JUSTICE, AND ITS COMPONENT  
OFFICE OF LEGAL COUNSEL,

Defendants.

DOCKET NO. 05-CV-9620 (AKH)

MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO  
FILE ATTORNEYS' FEES MOTION

Plaintiffs seek an extension of time within which to file a motion for attorneys' fees and request that the Court set the deadline for any attorneys' fees motion as 90 days after resolution of all claims in this matter, including the resolution of any appeals. As set forth in the accompanying Affidavit, Plaintiffs seek additional time so that the parties may attempt to resolve the issue of attorneys' fees without further litigation and so that Plaintiffs can prepare and submit, if necessary, an application for attorneys' fees before this Court.

Respectfully submitted by,

Dated October 6, 2008  
Newark, NJ

s/ Lawrence S. Lustberg  
Lawrence S. Lustberg  
GIBBONS, P.C.  
One Gateway Center  
Newark, NJ 07102-5310  
tel. (973) 596-4489  
fax (973) 639-6353  
LLustberg@gibbonslaw.com

Jameel Jaffer  
Amrit Singh  
Judy Rabinovitz  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad St.  
New York, New York 10004

Gitanjali Gutierrez  
Emi Maclean  
Shayana Kadidal  
CENTER FOR CONSTITUTIONAL RIGHTS  
666 Broadway, 7<sup>th</sup> Floor  
New York, New York 10012

Beth Haroules  
Arthur Eisenberg  
New York Civil Liberties  
Union Foundation  
125 Broad Street  
New York, NY 10004

*ATTORNEYS FOR PLAINTIFFS*